

CITY OF ALAMEDA

Memorandum

To: Honorable Mayor and
Members of the City Council

From: Lisa Goldman
Acting City Manager

Date: May 17, 2011

Re: Reject All Bids and Adopt Revised Plans and Specifications and Authorize
a New Call for Bids for Repair and Resurfacing of Certain Streets, Phase
30, No. P.W. 10-10-26

BACKGROUND

On April 5, 2011, the City Council adopted plans and specifications and authorized a call for bids for the repair and resurfacing of certain streets, phase 30, No. P.W. 10-10-26. This project proposes to slurry seal approximately six miles of street, crack repair/seal approximately two and one-half miles of streets, and repair and resurface Parking Lot A on Park Avenue. The work will include reconstruction of selected pavement failure areas, selected curb and gutter removal and replacement, crack sealing, traffic/pavement marking replacement, traffic loop replacement, and Americans With Disabilities Act (ADA) curb ramp upgrades. In addition, one street will be cold-planed and overlaid with asphalt, while the remaining streets will be slurry sealed.

DISCUSSION

To solicit the maximum number of bids and most competitive price, plans and specifications were provided to 19 separate builders exchanges throughout the Bay Area and the eBidboard website. A notice of bid was also published in the Alameda Journal.

The specifications adopted by the City Council included an inconsistency in the location for the bid opening. As shown in Exhibit 1, Section E of the specification stated that proposals should be presented to the City Clerk at City Hall. The following paragraph of the section indicated that the bids would be opened at City Hall West (CHW). This error was not discovered during the projection of the specifications.

On the day of the bid opening, G. Bortolotto and Redgwick Construction, presented their bids to Public Works at CHW, and Gallagher & Burk, presented its bid at City Hall. All were submitted prior to the 2:00 p.m. deadline stated in the specifications and advertisement. Personnel at the City Clerk's Office stamped the outside of the Gallagher & Burk envelope, which was unsealed, directed the Gallagher & Burk courier to proceed to CHW, and phoned ahead to inform Public Works of the actions taken.

At CHW, Public Works personnel opened the two bid packages present at 2:01 p.m. in accordance with the specifications. The bids were determined to have the required bonds and addendum acknowledgments, and the totals were read aloud. The bid from G. Bortolotto was the apparent lower of the two bids. At approximately 2:17 p.m., the Gallagher & Burk courier arrived at CHW. This bid was opened, determined to have the required bond and addendum acknowledgment, and read aloud. This third bid was lower than the bid received by G. Bortolotto and became the apparent lowest bid of all the bids. All present were notified that the bid opening was irregular, and that the determination of the lowest responsive and responsible bidder would be made by the City as soon as the details were reviewed.

The list of bids, from lowest to highest base bid, includes:

Contractor	Location	Base Bid
Gallagher & Burk, Inc.	Oakland, CA	\$516,273.03
G. Bortolotto & Co., Inc.	San Carlos, CA	\$533,337.75
Redgwick Construction	Newark, CA	\$553,294.46

The following day, G. Bortolotto submitted a bid protest disagreeing with the City of Alameda's preliminary determination that Gallagher & Burk was the lowest bidder and citing the late arrival and opening of the bid as justification. They requested that the City declare G. Bortolotto as the lowest bidder.

In consultation with the City Attorney's office, staff proposes to reject all bids and re-advertise the project. The revised specifications correct the clerical error. In addition, the list of streets has been modified to delete locations of future utility construction work.

Description of Proposed Project:

The following street has been identified for reconstruction of pavement failure areas, wedge planing and/or full planing, hot mixed asphalt overlay, crack sealing, traffic/pavement marking removal/replacement, traffic loop replacement, curb and gutter repair, (ADA) curb ramp upgrades and adjusting manholes to grade:

- Robert Davey Jr. Drive, Island Drive to Packet Landing Road

The following streets have been identified for crack sealing and touch up of traffic/pavement markings:

- Atlantic Avenue, Webster Street to Challenger Drive
- Appezato Parkway, Poggi Street to Campus Drive
- Aughinbaugh Way, Robert Davey Jr. Drive to Mecartney Road
- Eighth Street, Eagle Avenue to the south end (near Lincoln Avenue)

- Fernside Boulevard, Central Avenue to Thompson Avenue
- Lincoln Avenue, Central Avenue to Fifth Street
- Market Street, Madison Street to the end of the cul-de-sac
- Portola Avenue, Eighth Street to Burbank Street
- Robert Davey Jr. Drive, Aughingbaugh Way to Oyster Pond Road
- Willow Street, Clinton Avenue to Encinal Avenue

The following parking lot has been identified for reconstruction of pavement failure areas, curb repair, crack sealing, pavement marking removal and replacement, and parking lot sealing:

- Parking Lot A (off Park Avenue)

The following streets have been identified for reconstruction of pavement failure areas, crack sealing, traffic/pavement marking removal and replacement, ADA curb ramp upgrades, and slurry sealing:

- Bridgeview Isle, full length
- Calhoun Street, College Avenue to Court Street
- Doris Court, full length
- Fourth Street, Central Avenue to Pacific Avenue
- Grace Court, full length
- Island Drive, Mecartney Road to Catalina Avenue
- Kofman Parkway, Tralee Lane to Applegate Way
- Mastick Court, full length
- Pearl Street, Calhoun Street to San Jose Avenue
- Pease Court, full length
- Seaview Parkway, Tralee Lane to Kara Road
- Stanton Street, Lincoln Avenue to Buena Vista Avenue
- Washington Street, Broadway to Versailles Street
- Wayne Court, full length

A copy of the revised plans and specifications for the proposed work is on file in the City Clerk's office.

FINANCIAL IMPACT

The funds for this project are budgeted in the Capital Improvement Program (Fund 310 Project Number 9820130), with funds available from the Citywide Development Fee, Parking Meter Fund (for Parking Lot A), and the Sewer Fund. There is no impact to the General Fund.

MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

This project is consistent with the Waste and Recycling Initiative of the Local Action Plan for Climate Protection by requiring recycling of 80% of all construction waste. This action does not affect the Municipal Code.

ENVIRONMENTAL REVIEW

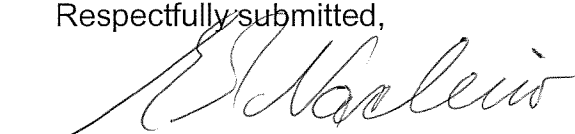
In accordance with the California Environmental Quality Act (CEQA), this project is Categorically Exempt under CEQA Guidelines Section 15301(c), Existing Facilities. Federal clearance is not required.

RECOMMENDATION

Reject all bids and adopt revised plans and specifications and authorize a new call for bids for repair and resurfacing of certain streets, Phase 30, No. P.W. 10-10-26.

Respectfully submitted,

By:



Matthew T. Naclerio
Public Works Director



Laurie Kozisek
Associate Civil Engineer

Approved as to funds and account,



Fred Marsh
Controller

Exhibits:

1. Section E of the Original Specifications
2. Plans and Specifications (on file in the City Clerk's office)

D. PROPOSAL FORM. All proposals must be made upon blank forms which are included in these specifications.

All proposals must give the prices proposed, **both in writing and in figures.** Proposals must be signed by the Bidder. If the proposal is signed by an individual, that individual's name and business address must be shown. If made by a firm or partnership, the name and the post office address of each member of the firm or partnership must be shown. If made by a corporation, the proposal must show the name of the state under the laws of which the corporation was chartered and the names, titles, and business addresses of the president, secretary and treasurer.

E. PRESENTING AND MARKING OF PROPOSAL. The proposal must be presented to the City Clerk, City Hall, 2263 Santa Clara Avenue, Room 380, Alameda, California, under sealed cover, plainly marked on the outside, "**Repair and Resurfacing of Certain Streets, Phase 30, No. P.W. 10-10-26**", not later than **2:00 p.m.** on the date set forth in the following paragraph.

Bids will be opened in the Public Works Department, City Hall West, 950 West Mall Square, Room 110, Alameda, California, at 2:01 p.m. on May 3, 2011.

F. ADDENDA Addenda will be forwarded by fax or email, followed by mail, to prospective bidders who have purchased a set of these specifications from the City's Public Works Department and have furnished contact information. If the addendum is issued after a pre-bid meeting is held, the addendum will also be forwarded by fax or email, followed by mail, to all attendees who have furnished contact information. Prospective bidders and subcontractors who have NOT furnished contact information by either of these means are responsible for inquiring at the Public Works Department (510-749-5840) within four (4) working days prior to the bid opening, to determine if any addenda have been issued. Do not rely upon third party providers of the original plans and specs to issue all addenda. Contractor shall acknowledge receipt of all addenda on the proposal and those proposals that do not have acknowledgment of all addenda will be considered non-responsive.

G. BIDDER'S GUARANTY. All bids shall be presented under sealed cover and accompanied by one of the following forms of bidder's guaranty: cash, a cashier's check, a certified check, or a bidder's bond executed by an admitted surety insurer, made payable to the City of Alameda. The security shall be in an amount equal to at least ten percent (10%) of the amount bid. A bid shall not be considered unless one of the forms of bidder's security is enclosed with it. If, in lieu of depositing cash, a cashier's check, or a certified check, the bidder submits a bidder's bond, the said bond shall, in form, be satisfactory to the City Attorney of the City of Alameda. A Bid Bond form is provided in Exhibit I.

Said bidder's guaranty which is submitted according to the above paragraph shall, in the event of the failure, for any reason, of the successful bidder or bidders to execute the contract as